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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/211,950	12/15/1998	ALAN K. WALBECK	INTELOG.002A	9113

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EXAMINER	
LE, HIEU C	

ART UNIT	PAPER NUMBER
2142	13

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/211,950	Applicant(s) WALBECK ET AL.
	Examiner Hieu c. Le	Art Unit 2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. The Amendment file 3/28/03 have been entered and made of record.

2. In response to Applicant's amendment filed 3/28/03 the rejection of claims 3-7 under U.S.C 112, 2nd paragraph is withdrawn.

Claim Rejections - 35 U.S.C. § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Rejection under 35 U.S.C. 102(e), Patent Application Publication or Patent to Another with earlier filling date, in view of the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002.

4. Claims 1, 7-9, 12 are rejected under 35 U.S.C. 102(e) as anticipated by Szkopek et al. (5,878,221).

As to claim 1, Szkopek discloses a method for arbitrating use, of a network medium to avoid collision caused by multiple nodes attempting to transmit data on the network medium at the same timed the method comprising the steps of:

listening to a network medium to determine the medium is active or inactive (col. 35, lines 57-63, col. 40, lines 7-8);

establishing an active network server if the rnedium is inactive [If the network is idle (inactive), node tries to assume the role of a ring master (active network server) (col. 35, lines 63-col. 36, line 4); and

using centralized token passing for access to a said medium, when sasid medium is active, the centralized token passing controlled by the active network server [the system using a arbitrate mechanism for the right to transmit between the ports. The arbitration logic determines whether or not there is activity on each of the lines present to it and selects the active line (active medium,) (col. 31, lines 9-23). The master station (active server) controls token passing (col. 39, lines 48-54)].

As to claim 7, Szkopek further discloses wherein a presence of said datagram is detected by matching a specified preamble and length sequence [a MAC packet based token is used to arbitrate access to transmission media (col. 37, lines 30-32). The MAC packet token is shown in figs. 30-31. A line activity detector is used to sense the presence of a MAC packet (datagram) exists on the line and a comparator is used to indicate the absence of the receive data (col. 28, lines 58-67). The data packet as shown in figs 30-31 includes a preamble and a sequence of bits used to detect the presence of a data packet signal (col. 18, lines 31-38)].

As to claim 8, Szkopek further discloses wherein access to the medium is provided by a media access control layer (col. 33, lines 23-28).

As to claim 9, Szkopek further discloses wherein said media access control layer provides control structures to implement a spare receive buffer large enough to hold a Media Access Control Header (col. 18, lines 15-38, col. 40, lines 34-38).

As to claim 12, Szkopek further discloses wherein a preferred server node becomes said active server node in response to a wake-up algorithm [a central hub (preferred node) becomes a master node (active server node) in response to a wake-up algorithm shown in Fig. 34 (col. 35, lines 54-67)].

5. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szkopek et al. (5,878,221) as applied to claim 1 above and further in view of Kryskow, Jr et al. (4,491,946).

As to claim 2, Szkopek does not discloses wherein the active: network server maintains a lineup card that lists one or more active client nodes.

Kryskow discloses a communication system utilizing token passing to communicate over a shared wire or bus onto which plurality of stations are connected (col. 2, lines 51-61). Master stations (active network clients) have token access capability and are arranged on a token list (line up card), one station only can own the token and is able to transfer messages (col. 2, lines 60-65, col. 3, lines 18-31, col. 5, lines 4-14, col. 42-52).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Kryskows's teachings to modify the method of Szkopek by using a token list that lists the active stations (clients) to in order to reconfigure the communication system according to

change stations states to form new and different communication system having different access mechanism protocols depending upon the particular states of client stations.

As to claim 3, Szkopek does not disclose wherein the active network server passes a token to a selected client node, the selected client node being one: of the one or more active client nodes listed on the lineup card.

Kryskow discloses a communication system utilizing token passing to communicate over a shared wire or bus onto which plurality of stations are connected (col. 2, lines 51-61). Master stations (active network clients) have token access capability and are arranged on a token list (line up card), one station only can own the token and is able to transfer messages (col. 2, lines 60-65, col. 3, lines 18-31, col. 5, lines 4-14, col. 42-52).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Kryskows's teachings to modify the method of Szkopek by using a token list that lists the active stations (clients) that the token can be passed to in order to reconfigure the communication system according to change stations states to form new and different communication system having different access mechanism protocols depending upon the particular states of client stations.

As to claim 4, both Szkopek (col. 36, lines 33-34) and Kryskow (col. 2, lines 60-67) further discloses wherein the selected node is allowed to transmit data on the network medium only when the selected node has the token.

As to claim 5, Kryskow further discloses wherein the selected node is removed from the lineup card when the node has been inactive for a period of time (col. 4, lines 19-28, col. 32, lines 23-25).

As to claim 6, Szkopek further discloses wherein a new client node requests insertion on the lineup card by using spitting on the bus algorithm (col. 5, lines 53-59).

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Szkopek et al. (5,878,221) as applied to claim 9 above and further in view of Hales II et al. (5,925,105).

As to claim 10, Szkopek does not discloses further comprising the step of sending a BUSY response from a receiving node to a transmitting node when the receiving node is swamped with previous packet requests.

Hales discloses a method for communication between agents in an electronic conferencing system that comprise a plurality of agents (nodes) coupled to a communication medium (col. 3, liens 40-53). The communication medium may be any one of different various networks and such as tokenring (col. 5, lines 23-28). The link manager has to inform the message sender when a receiver has not handled the previous data packet. The communication services have a buffer where they temporarily store inbound messages, and if the buffer is full (i.e the node is swamped with previous packet requests) , the communication services signal the sender'communication layer, which marks the channel as "busy" (col. 13, line 61-col. 14, line 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Hales's teachings to modify the method of Szkopek by sending a busy response to

the sendig node when the buffer at the receiving node is full in order to stop the pending messages from coming to the receiver causing an over flow of full buffer and being lost.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Szkopek et al. (5,878,221) as applied to claim 1 above and further in view of Miller et al. (5,727,002).

As to claim 11, Szkopek does not discloses further comprising the step of issuing an auto announce packet when a new node enters the network.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Miller discloses a data transmission method, where a server issue an announce packets to new clients to register with the server and the clients automatically respond to the announce packets with registration packets (col. 6, lines 27-36).

Miller's teachings to modify the method of Szkopek by issuing an auto announce packet when a new node enters the network in order to register the new nodes to the registered client list (token list).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Le whose telephone number is (703) 306-3101. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on (703) 308-7492. The fax phone number for this Group is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Hieu Le

ROBERT B. HARRELL
PRIMARY EXAMINER